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37 CFR 1.8(a)

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Date of Deposit: Dec 29, 2003

By: James E. Bradley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF  
Larry R. Bersuch, et al.

DOCKET NO. TA-00524

SERIAL NO.: 09/938,065

EXAMINER: Todd J. Kilkenney

FILED: 08/23/2001

GROUP ART UNIT: 1733

TITLE: **Paste-Bond Clevis Joint**

AMENDMENT AFTER FINAL REJECTION

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

REMARKS

Applicant is enclosing a declaration from one of the authors of the Wanthal document. Applicant again respectfully submits that Wanthal is not prior art. Applicant sent the document to the Examiner in order to leave no doubt that it is complying with 37CFR 1.56. If there is any doubt whatsoever that a particular document should be provided in an information disclosure statement, the best practice is to go ahead and submit it. Otherwise, if litigation results, an opponent is likely to argue that the examiner should have made the decision as to whether it is prior art, rather than the applicant unilaterally making that decision. Clearly, merely submitting a reference in an information disclosure statement is not an admission that the document is prior